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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
KIRSCH, ANDREW THOMAS	
ART UNIT	PAPER NUMBER
3781	

MAIL DATE	DELIVERY MODE
10/22/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/565,257	CHAE, DONG-SEUK	
	Examiner	Art Unit	
	ANDREW T. KIRSCH	3781	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *19 January 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. The amendment filed 6/19/2009 has been entered.

Claim Objections

2. Claim objection to claim 6 has been removed due to the amendment.

Specification

3. The abstract of the disclosure is objected to because it includes the self-evident clause "The present invention relates to..." and exceeds the maximum of 150 words. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

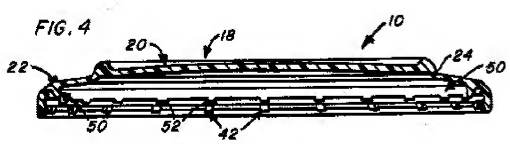
5. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

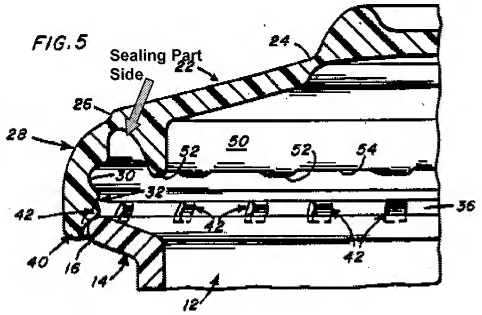
1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

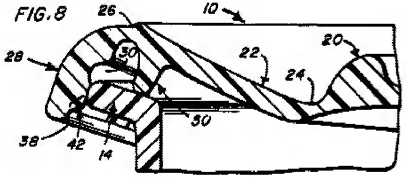
6. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,147,059 (Olsen et al. hereinafter) in view of U.S. Patent No. 3858742 (Grussen hereinafter).

7. In re claims 1 and 2, with reference to Figs. 4, 5 and 8 below, Olsen et al. discloses: A one touch-type container stopper, comprising: a hermetically sealing part (50) having a plurality of first supporting protrusions (52) at a lower end thereof, the first supporting protrusions being formed to protrude inwardly such that they are elastically supported along an outer peripheral surface of a mouth (14) of the container (12), the sealing part (50) being fitted around the mouth (14) to seal the container; and a cover (22, 28) part having a hinge part (26) formed integrally with and extending from the first supporting protrusions (52) and then bent (at 26), and a plurality of second supporting protrusions (42) at a lower end thereof to protrude inwardly therefrom, each of the plurality of second supporting protrusions being connected to a corresponding one of the plurality of first supporting protrusions (see Fig. 4) through the hinge part (26), the cover part (22, 28) being positioned outside of the sealing part (50), wherein the second supporting protrusions (42) are connected to one another through a band member (36), including wherein there is one second supporting protrusion (42) (different claim 2 limitation) and wherein when the upper end of the hermetically sealing part (50) is pressed down and the cover part (22, 28) is simultaneously pulled upward, the lower ends of the hermetically sealing part (50) and the cover part connected through the hinge part (26) are elastically deformed (all living hinges become elastically deformed)

so that the first (52) and second (42) supporting protrusions are flared outwardly while pivoting outwardly (see Fig. 8 above).



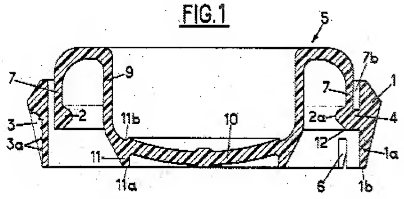




8. The joint in Fig. 8 is considered hermetically sealed because the portion of the sealing part is rolled over, creating a straight line joint which is interpreted as being air tight.

9. Olsen et al. fails to disclose a plurality of ridges formed along an edge of the upper end of the cover part.

10. However, with reference to Fig. 1 below, Grussen discloses a closure cap with a plurality of ridges (3a) located along an edge of the upper end of a cover part.



11. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the plurality of ridges taught by Grussen with the cover part of Olsen et al. for the purposes of enhancing the grip along the edge of the cover part to aid in removal as Olsen et al. teaches the use of fingers for lifting around the edge for removal (column 5, lines 53-62).

12. In re claim 3, with reference to Figs. 4 and 5 above, Olsen et al. in view of Grussen discloses the claimed invention including wherein the height of the cover part (22, 28) is larger than that of the sealing part (50) (it is clear the total height of the cover pieces 22 and 28 is greater than the total height of the sealing part 50).

13. In re claim 4, with reference to Figs. 4 and 5 above, Olsen et al. in view of Grussen discloses the claimed invention including wherein the hermetically sealing part (50) further comprises a friction member (26) on an outer surface, and wherein the cover part (22, 28) further comprises a second friction member (24) on an inner surface, and wherein the first friction member and the second friction member engage each other (through 22) so as to be offset from each other while being elastically deformed (second is inwardly offset from the first). Hinge 26 is also considered a friction member because it is a living hinge included in the cover which will inherently incur friction during its designed flexure.

14. In re claim 5, with reference to Figs. 4 and 5 above, Olsen et al. in view of Grussen discloses the claimed invention including wherein the hinge part (26) has an inclination (bent at 26) such that the sealing part side (see Fig. 5) is at a level higher than that of the cover part side (at 28).

15. In re claim 6, with reference to Figs. 4 and 5 above, Olsen et al. in view of Grussen discloses the claimed invention including wherein a cover member (lower part of cover 28) is further provided at a lower end of the cover part (20, 22, 28) to surround the second supporting protrusions (42).

16. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olsen et al. in view of Grussen and further in view of U.S. Patent No. 4,500,006 (La Fortuna et al.).

17. In re claims 7 and 8, with reference to Figs. 4 and 5 above, Olsen et al. in view of Grussen discloses: A container, comprising: a body portion (12) of the container having

a first catching projection (16) at an upper end of a mouth (14) thereof, and a stopper (10) having a hermetically sealing part (50) fitted around the mouth to seal the container, and a cover part (22, 28) positioned outside of the sealing part, wherein the sealing part is provided with a plurality of first supporting protrusions (52) at a lower end thereof to protrude inwardly such that they are caught and elastically supported by the first catching projection (see Fig. 8 above), and the cover part is provided with a hinge part (26) formed integrally with and extending from the first supporting protrusions and then bent (at 26), and a plurality of second supporting protrusions (42) at a lower end thereof to protrude inwardly therefrom, each of the plurality of second supporting protrusions being connected to a corresponding one of the plurality of first supporting protrusions (see Fig. 4) through the hinge part (26), the cover part (28) being positioned outside of the sealing part (50), the second supporting protrusions being connected to one another through a band member (36), including the limitation of claim 8 wherein there is a second supporting protrusion (42) at a lower end thereof to protrude inwardly therefrom, and wherein when the upper end of the hermetically sealing part (50) is pressed down and the cover part (28) is simultaneously pulled upward at a plurality of ridges (3a) formed along an edge of the upper end of the cover part (28), the lower ends of the hermetically sealing part (50) and the cover part connected through the hinge part (26) are elastically deformed (all living hinges become elastically deformed) so that the first (52) and second (42) supporting protrusions are flared outwardly while pivoting outwardly (see Fig. 8 above).

18. Olsen in view of Grussen fails to disclose a second catching projection formed below the first catching projection, the second catching projection having an outer diameter larger than that of the first catching projection.

19. However, with reference to Fig. below, La Fortuna et al. discloses a second catching projection (9) formed below a first catching projection (8), the second catching projection having an outer diameter larger than that of the first catching projection.

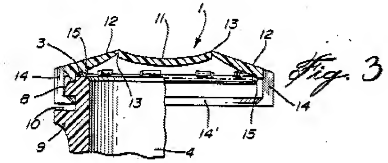


Fig. 3

20. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the second catching projection of La Fortuna et al. with the container neck finish of Olsen et al. in view of Grussen for the purposes of preventing unwanted tampering of the closure by blocking a tool or implement from prying up the closure (La Fortuna et al.; column 4, lines 24-27).

21. In re claim 9, with reference to the Figs. above, Olsen et al. in view of Grussen and La Fortuna et al. discloses the claimed invention including wherein a hermetically sealing member (30) is further provided between the mouth (14) of the body portion (12) of the container and the sealing part (50).

Response to Arguments

22. Applicant's arguments filed 6/19/2009 have been fully considered but they are not persuasive.

23. On page 7 of the Remarks, Applicant argues that the arcuate edge (52), the series of vent-defining projections or protuberances (42), and the outer edge (26) CANNOT teach first supporting protrusions, second supporting protrusions and a hinge part as in the present invention. However, as shown above in re claim 1, the references as combined meet the claimed limitations of being connected through the hinge part, in that they are connected, and the hinge part exists between them along the connection. Although Olsen et al. does disclose that the edge 26 is not a flexible hinge *as at 24*, Olsen et al. goes on immediately following that statement to say "lever section edge 26...does allow for a minor degree of flexure of the side wall 28 relative the lever section 22 to facilitate a mounting of the seal in particular." This statement qualifies the edge section at 26 as a flexible hinge in that it allows flexure, no matter how minor the degree.

Conclusion

24. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW T. KIRSCH whose telephone number is (571)270-5723. The examiner can normally be reached on M-F, 8am-5pm, off alt. Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on 571-272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew T. Kirsch/

Examiner, Art Unit 3781

/Anthony Stashick/
Supervisory Patent Examiner, Art Unit 3781